

IN THE SUPREME COURT OF THE STATE OF NEVADA

---

THE STATE OF NEVADA,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK,  
AND THE HONORABLE JENNIFER  
TOGLIATTI, DISTRICT JUDGE

Respondents,

And

JEFFREY LYNN BAKER,

Real Party in Interest.

Electronically Filed  
Jan 10 2017 10:17 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 71621

D.C. NO: C-14-303315-1

**PETITIONER'S SUPPLEMENTAL APPENDIX**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

MIKE FELICIANO  
Deputy Public Defender  
Nevada Bar #009312  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685

ADAM PAUL LAXALT  
Nevada Attorney General  
Nevada Bar # 012426  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

## **INDEX**

<b><u>Document</u></b>	<b><u>Page No.</u></b>
Recorder's Transcripts of 02/20/15 (Arraignment Continued), filed 12/21/16.....	1-7
Recorder's Transcripts of 03/05/15 (Arraignment Continued), filed 12/21/16.....	8-12
Recorder's Transcripts of 06-16-16 (State's Motion to Admit the Preliminary Hearing Testimony of CJ at Trial), filed 12/21/16 .....	13-15

## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 9, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

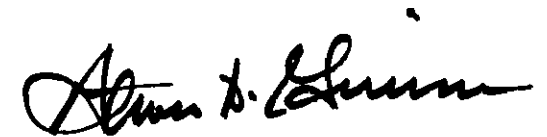
ADAM PAUL LAXALT  
Nevada Attorney General

MIKE FELICIANO  
Deputy Public Defender

RYAN J. MACDONALD  
Deputy District Attorney

BY /s/ j. garcia  
Employee, District Attorney's Office

RJM/Michael Schwartz/jg



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-14-303315-1
	)	
Plaintiff,	)	DEPT. IX
	)	
vs.	)	(ARRAIGNMENT HELD IN DEPT. LLA)
	)	
JEFFREY LYNN BAKER, JR.,	)	
	)	
Defendant.	)	

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER  
FRIDAY, FEBRUARY 20, 2015

**RECORDER'S [AMENDED] TRANSCRIPT OF HEARING RE:  
ARRAIGNMENT CONTINUED**  
(Correcting the date of proceedings.)

APPEARANCES:

For the State:	CRAIG HENDRICKS, ESQ., Chief Deputy District Attorney
----------------	----------------------------------------------------------

For the Defendant:	MIKE FELICIANO, ESQ., Deputy Public Defender
--------------------	-------------------------------------------------

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 FRIDAY, FEBRUARY 20, 2015

2 \* \* \* \* \*

3 P R O C E E D I N G S

4  
5 THE COURT: State of Nevada versus Jeffrey Baker, C303315. He  
6 is present in custody. Mr. Feliciano is here on his behalf. I do have a guilty plea  
7 agreement before me. It's my understanding this defendant is going to plead  
8 guilty to attempt lewdness under the age 14, category B felony. State retains the  
9 right to argue at sentencing. Is that correct, State?

10 MR. HENDRICKS: It is.

11 THE COURT: Anything to add, Mr. Feliciano?

12 MR. FELICIANO: No, your Honor.

13 THE COURT: Is that your understanding, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: What is your true name?

16 THE DEFENDANT: Jeffrey Lynn Baker, Jr.

17 THE COURT: How old are you, sir?

18 THE DEFENDANT: Twenty-nine years old.

19 THE COURT: How far did you get in -- go in school?

20 THE DEFENDANT: Twelfth grade.

21 THE COURT: So you read, write, and understand the English  
22 language?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: You understand that you're being charged with  
25 attempt lewdness with a child under the age of 14, category B felonies?

1 THE DEFENDANT: Yes.

2 THE COURT: How do you plead to those charges?

3 THE DEFENDANT: Guilty.

4 THE COURT: Is anybody forcing you to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Are you pleading guilty of your own free will?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand as a consequence of your plea the

9 Court must sentence you to the Nevada Department of Corrections for a term not

10 less than two years, not more than 20 years, and you will be required to pay an

11 administrative assessment fee?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that you'll be required to undergo

14 an evaluation?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that you are not eligible for

17 probation unless that evaluation certifies you do not represent a high risk to

18 re-offend?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that before you're eligible for

21 parole a panel must find that you do not represent a high risk to re-offend?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that you will be subject to lifetime

24 supervision?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that you will be required to register  
2 as a sex offender?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that sentencing is strictly up to the  
5 Court so nobody can promise you probation, leniency, or special treatment?

6 THE DEFENDANT: Yes.

7 THE COURT: I have the original of your guilty plea agreement. Did  
8 you read through it?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you understand it?

11 THE DEFENDANT: Yeah.

12 THE COURT: Was your attorney there to answer any questions you  
13 had regarding this agreement?

14 THE DEFENDANT: Yeah.

15 THE COURT: Is that a yes?

16 THE DEFENDANT: Oh, I didn't -- I didn't hear you.

17 THE COURT: Did your attorney discuss your guilty plea agreement  
18 with you?

19 THE DEFENDANT: Yes.

20 THE COURT: And did he answer all of your questions regarding this  
21 agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: And then you signed it?

24 THE DEFENDANT: Yes.

25 THE COURT: Showing you page six, is this your signature?

1 THE DEFENDANT: Yes, it is.

2 THE COURT: Did you sign it freely and voluntarily?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand by pleading guilty you're giving up  
5 the constitutional rights listed in this agreement?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that if you're not a United States  
8 citizen you may be deported based upon this guilty plea?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you discuss your case and your rights with your  
11 attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you have any questions regarding your rights or  
14 this negotiation?

15 THE DEFENDANT: No.

16 THE COURT: Are you pleading guilty because in truth and in fact on  
17 or between September 1<sup>st</sup>, 2011, and August 11<sup>th</sup>, 2014, here in Clark County,  
18 Nevada, you willfully, lewdly, unlawfully, feloniously attempt to commit a lewd or  
19 lascivious act upon, or with the body or any part or member thereof, a child, that  
20 being C -- a child with the initials CJ, a child who was under the age of 14, by  
21 attempting to pull down CJ's shirt, placing your head between her breasts, and/or  
22 by attempting to lick her chest, and/or attempting to touch, rub, fondle her inner  
23 thighs with your hands, and/or by attempting to place CJ's hand on your genitals,  
24 and/or by attempting to have her touch and/or rub your penis, and/or by  
25 attempting to touch, rub, and/or squeeze CJ's buttocks with your hands, and/or



1 attempting to pull her pants down, and/or by attempting to lick her on the cheek,  
2 and/or by attempting to place your tongue in her mouth, and/or by attempting to  
3 grab/touch her buttocks with your hands, and/or attempting to pull down her  
4 pants, and/or by attempting to grind your hips/pelvis against her body with the  
5 intent to arouse, appeal, or gratify your lust, passions, or desires or that of that  
6 child; is that true, sir?

7 (No response.)

8 THE COURT: Is it true?

9 THE DEFENDANT: I guess. I don't know.

10 THE COURT: No, not I guess. You were there, sir. So if you're  
11 going to plead --

12 THE DEFENDANT: No, it ain't true.

13 THE COURT: I'm sorry?

14 THE DEFENDANT: It's not true.

15 THE COURT: It's not true?

16 THE DEFENDANT: No.

17 MR. FELICIANO: May I have --

18 THE COURT: Okay, I'm going to return this to you --

19 THE DEFENDANT: But it's still guilty.

20 THE COURT: -- and we'll set it down for trial then. Okay.

21 MR. FELICIANO: May I have the Court's indulgence?

22 THE COURT: Sure. Okay. Let's go off.

23 (Pause in proceedings.)

24 THE DEFENDANT: From now here on I would like to represent  
25 myself.

1 THE COURT: All right. Here, I'm going to return this guilty plea  
2 agreement to Mr. Feliciano. Sir, what I need to do is -- State, number one, I want  
3 you to prepare an amended Information with the original charges.

4 Sir, I'm going to send you in front of the department where either  
5 you're going to be sentenced or you're going to have your trial. I'm going to give  
6 you a two-week date in front of that department. In between now and then you  
7 need to prepare a written motion to terminate Mr. Feliciano because there has to  
8 be a legal basis for that to occur. So you can prepare that written motion.  
9 Mr. Feliciano would be happy to put a cover sheet on it for you so that that can be  
10 addressed in front of the department. So two weeks in front of the department for  
11 termination and/or plea.

12 THE CLERK: March 5<sup>th</sup>, at 9:00 a.m., Department 9.

13 THE COURT: All right. Thank you, Mr. Feliciano.

14 MR. FELICIANO: Thank you, your Honor.

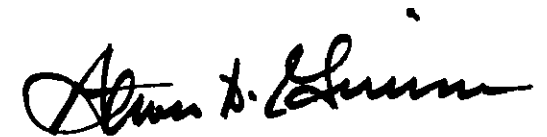
15 (Whereupon, the proceedings concluded.)

16 \* \* \* \* \*

17 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
18 audio/video proceedings in the above-entitled case to the best of my ability.

19 

20 Kiara Schmidt, Court Recorder/Transcriber



CLERK OF THE COURT

1 RTRAN

2

3

4

5

DISTRICT COURT  
CLARK COUNTY, NEVADA

6

7

8

STATE OF NEVADA,

9

Plaintiff,

10

vs.

CASE NO. C303315-1

DEPT. IX

11

JEFFERY LYNN BAKER, JR.,

12

Defendant.

13

***BEFORE THE HONORABLE CHIEF JUDGE, JENNIFER P. TOGLIATTI,  
DISTRICT COURT JUDGE***

14

15

***RECORDER'S TRANSCRIPT RE:  
THURSDAY, MARCH 5, 2015  
ARRAIGNMENT CONTINUED***

16

17

APPEARANCES:

18

19

For the State:

DENA RINETTI, ESQ.  
Senior Deputy Attorney General

20

21

For the Defendant:

MIKE FELICIANO, ESQ.  
Deputy Public Defender

22

23

24

25

RECORDED BY: PATTI SLATTERY, COURT RECORDER

1 Las Vegas, Nevada, Thursday, March 5, 2015 a.m.

2  
3 THE COURT: State of Nevada versus Jeffrey Lynn Baker, C303315-1. The  
4 record should reflect he's present in custody. This is the time set for continued  
5 arraignment.

6 MR. FELICIANO: Your Honor, this is gonna be a not guilty plea.

7 THE COURT: Right

8 MR. FELICIANO: We're gonna waive the reading of the information, and he  
9 is going to invoke his right to a speedy trial.

10 THE COURT: Mr. Baker –

11 THE DEFENDANT: Yes.

12 THE COURT: -- so does he have a copy of the information?

13 MR. FELICIANO: We went over it before. He doesn't have it with him this  
14 morning, but we went over it.

15 THE COURT: Ramsey can you give him a copy of this.

16 THE MARSHAL: Yes ma'am.

17 THE COURT: Then he can give it back to his lawyer. Your full true name is  
18 Jeffrey Lynn Baker, Jr.?

19 THE DEFENDANT: Yes.

20 THE COURT: How old are you?

21 THE DEFENDANT: I'm 29.

22 THE COURT: How far did you go in school?

23 THE DEFENDANT: Twelfth grade.

24 THE COURT: So you read, write, and understand the English language?

25 THE DEFENDANT: Yes I do.

1 THE COURT: If you are familiar with that, then give it back to my marshal but  
2 if you – are you familiar with it?

3 THE DEFENDANT: Yeah but they don't have my name spelled right, r-e-y; its  
4 spelled e-r-y. It's on my birth certificate.

5 THE COURT: Okay so j-e-f-f-e-r-y?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Thank you.

8 THE DEFENDANT: Thank you for correcting it.

9 THE COURT: Well I don't know – me saying it does not mean that the whole  
10 system will be corrected, believe me.

11 THE DEFENDANT: I know but that's on my birth certificate.

12 THE COURT: This spelling of Jeffrey is going to follow you around the  
13 system for the rest of your life, but I will make the changes in my paperwork and  
14 hope for the best.

15 THE DEFENDANT: Yes, Thank you; makes a difference.

16 THE COURT: So j-e-f-f-e-r-y is his true name. Okay. You've had an  
17 opportunity to review counts 1 through 9, and your lawyer went over them with you  
18 in the amended information. Have you read the charges previously and gone over  
19 them with your lawyer previously.

20 THE DEFENDANT: Yes I do.

21 THE COURT: Do you understand the charges?

22 THE DEFENDANT: I didn't quite understand, but I do understand it now that I  
23 read it, but I understand –

24 THE COURT: Okay. Right now it's not whether you agree with them, it's just  
25 that you understand the words that are written on the piece of paper.

1 THE DEFENDANT: Yeah, I understand the words, yes.

2 THE COURT: Okay. So are you – your lawyer says you do not need me to  
3 read it out loud to you that you're ready to enter your plea. Is that true?

4 THE DEFENDANT: It's true.

5 THE COURT: Okay. What is your plea to counts 1 through 9  
6 in the amended information?

7 THE DEFENDANT: Not guilty.

8 THE COURT: Okay. You have a right to a trial within 60 days. Do you waive  
9 or invoke that right?

10 THE DEFENDANT: Invoke.

11 THE COURT: Okay.

12 MR. FELICIANO: We looked at the May 26<sup>th</sup> date; that's the date that may  
13 work for us. I did explain to Mr. Baker that based on my schedule, I don't know if  
14 this will be ready to go, but we'll do our best to get ready.

15 THE COURT: Okay; so because you've invoked your speedy trial rights sir,  
16 we're gonna reset – we're going to set the trial in the first instance for –

17 THE CLERK: Calendar call May 14<sup>th</sup> at 9 a.m.; trial May 26<sup>th</sup> at 10:30.

18 THE COURT: -- so you have a right to a trial within 60 days. Your lawyer has  
19 – I don't have a criminal trial date available for you at the 60-day mark, so I need you  
20 to waive your speedy trial rights by 25 days; that's the date that he picked. I can't do  
21 it in any event in 60 days; it would have to be a little bit outside that window because  
22 I'll be in my civil –

23 THE DEFENDANT: In 25 days?

24 THE COURT: You'll be waiving it by 25 days –

25 THE DEFENDANT: By 25 days?

1 THE COURT: -- by 25 days –

2 THE DEFENDANT: So within the 25 days?

3 THE COURT: -- by 25 days.

4 THE DEFENDANT: Oh I'd do it by 25 days?

5 THE COURT: Yes. Meaning, it's at the convenience of the Court, not  
6 because you waived any right. You know, you're not waiving it.

7 [Colloquy – the Public Defender and the Defendant]

8 THE DEFENDANT: Oh okay well yeah, let's do so, waive it on the 25 days.

9 THE COURT: Okay, so on May 14<sup>th</sup>, you'll come here and we'll have a jury  
10 trial or either here or in another department okay.

11 THE DEFENDANT: Okay, thank you.

12 THE COURT: Thank you.

13 [Proceedings concluded at 9:49 a.m.]

14

15

16

17

18

19

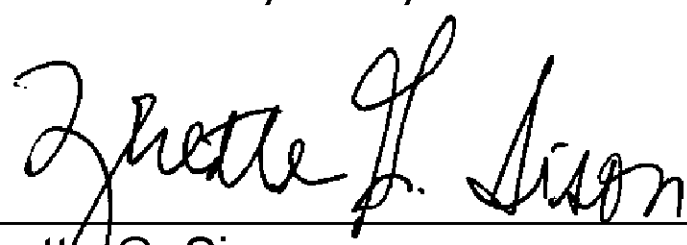
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video  
21 proceedings in the above-entitled case to the best of my ability.

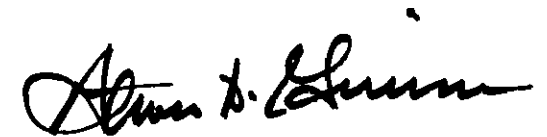
22

23

24

25

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber



CLERK OF THE COURT

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JEFFERY LYNN BAKER, JR.,

Defendant.

CASE NO. C303315-1

DEPT. IX

***BEFORE THE HONORABLE CHIEF JUDGE, JENNIFER P. TOGLIATTI,  
DISTRICT COURT JUDGE***

***RECORDER'S TRANSCRIPT RE:  
THURSDAY, JUNE 16, 2016***

**STATE'S MOTION TO ADMIT THE PRELIMINARY HEARING  
TESTIMONY OF CJ AT TRIAL**

**APPEARANCES:**

For the State:

DENA RINETTI, ESQ.  
Senior Deputy Attorney General

For the Defendant:

MIKE FELICIANO, ESQ.  
Deputy Public Defender

RECORDED BY: YVETTE SISON, COURT RECORDER



1 Las Vegas, Nevada, Thursday, June 16, 2016 at 9:52 a.m.

2  
3 THE COURT: Jeffrey Baker, C303315-1. He's present in custody. This is the  
4 time set for motion to admit preliminary hearing testimony of CJ at trial. I can't  
5 imagine you have a lot to argue since it's in writing and it's not particularly extensive.  
6 So if you have something to add –

7 MS. RINETTI: The only thing I'd add, Your Honor, is based upon the motion,  
8 just that under the United States Supreme Court case, seminal case, Crawford  
9 versus Washington, as well as a plethora of other Federal Cases, as well as Nevada  
10 case law, the language is the opportunity to cross examine, and they did have an  
11 opportunity at the preliminary hearing to waive that. It was a strategic move on their  
12 part; after the named victim passed away five days later, he rejects the deal. It is a  
13 procedural right not a substantive right. We're asking that we be allowed to admit  
14 the preliminary hearing transcript.

15 MR. FELICIANO: Just briefly, under Ms. Rinetti's logic, we would basically  
16 have to comb every single preliminary hearing no matter what, whether it's  
17 negotiated or not. It sounds -- what she's saying – basic – what happened here is  
18 what happens a lot. A lot of times, people waive their preliminary hearing, they have  
19 negotiations; that happens all the time, but the complaining witness is no longer with  
20 us, and they still have another calendar with another complaining witness they could  
21 put on, so we think the trial should go forward just on that count or counts.

22 THE COURT: Anything else?

23 MR. FELICIANO: That's it.

24 THE COURT: Okay. I'll issue a minute order with the Court's decision after  
25 court. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. FELICIANO: Thank you, Your Honor.

MS. RINETTI: Thank you.

[Proceedings concluded at 9:54 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber